

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456
Master File No. 1:01-CV-12257-PBS
Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics; Baxter
International Inc.; Baxter Healthcare
Corporation*

Judge Patti B. Saris

REQUEST FOR DISMISSAL AND (PROPOSED) ORDER THEREON

Relators hereby request that this Court dismiss without prejudice Defendant Baxter International, Inc.; and Defendant Baxter Hemoglobin Therapeutics from each cause of action in which they have been named.

Respectfully submitted,

Dated: August 30, 2010

/s/ Mark Allen Kleiman

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Counsel for Relators

(PROPOSED) ORDER

GOOD CAUSE APPEARING THEREFORE Defendant Baxter International, Inc.; and
Defendant Baxter Hemoglobin Therapeutics are hereby dismissed without prejudice.

Dated: _____

Hon. Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that I, Mark Kleiman, an attorney, counsel for Relators, caused a true and correct copy of the foregoing, **REQUEST FOR DISMISSAL AND [PROPOSED] ORDER THEREON** to be delivered to all counsel of record by electronic service on August 30, 2010 for the posting and notification of all parties.

BY: /s/ Mark Kleiman
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